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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,051	07/10/2006	Wilhelm Bringewatt	148741.00900	5263
25461 7590 06/15/2009 SMITH, GAMBRELL & RUSSELL SUITE 3100, PROMENADE II 1230 PEACHTREE STREET, N.E. ATLANTA, GA 30309-3592				
EXAMINER PATEL, RITA RAMESH				
ART UNIT 1792		PAPER NUMBER		
MAIL DATE 06/15/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,051

Applicant(s)

BRINGEWATT ET AL.

Examiner

RITA R. PATEL

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☒ Claim(s) 14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date 4/27/07
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Individual Patent Application
6) ☒ Other: See Continuation Sheet

Continuation of Attachment(s) 6). Other: English translation of DE1642075.

DETAILED ACTION

Claim Objections

Claim 14 is objected to because of the following informalities: in line 2, it appears there is a typo wherein the word "with" should be written as "within". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 20-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 20-23 recite the limitation "during loading, the inner drum is driven". However this is paradoxical because the inner drum cannot be loaded with clothes while the inner drum is concurrently being driven/rotated; instead it seems that these two steps are done in sequence rather than at the same exact time, does Applicant mean that "once loaded" the inner drum is rotated?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 11-12, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Herbertz (DE 1642075; human translation attached herewith).

Herbertz teaches a washing and spinning machine 5 having a spinning drum 7 (inner drum), driven shaft 12 (pivot axis/axle journal), and cover 18 (door) which closes a housing opening 17 (front end-opening). The cover 18 can be detached from a housing 6, as illustrated in Figure 3 the cover appears to be pivotally attached at its top-most part to housing 6 (water-impermeable drum housing). It is envisaged that the door is hingably attached by bolt 20 to framework 19 and a separation wall 1 (dividing wall). A bolt 20 is used to hold cover 18 to a framework 19 (door support), wherein the cover can be held in a closed position. The invention of Herbertz is used to perform disinfection/washing and spinning functions (see attached Herbertz translation, pages 5-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herbertz.

Herbertz teaches the claimed invention except is silent regarding the exact centrifugal speed of the spinning drum, as well as the exact degree of angular pivot of the drum assembly.

However, firstly it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the centrifugal acceleration of the drum based on numerous factors including the size of the machine, intended size of the loads, heaviness/type of articles to be washed, cost of motors, energy input, cost, etc. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Discovering the optimal centrifugal speed would ensure energy is used efficiently, costs are minimized, and yet washing/rinsing functions are performed effectively.

Secondly, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the angle at which the drum of Hertz is pivoted for achieving the most optimal and convenient angles for loading/unloading the washing machine since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). It would be beneficial to optimize the angle at which the drum in Hertz pivots, in order to absolve issues of delivering clothes into the drum via a vertical or angular clothes shoot/hopper, and removing them at an angle at which the clothes can be pulled out conveniently by the user.

Claims 7, 9-10, and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertz as applied to claims above, and further in view of Nitschmann et al. herein referred to as "Nitschmann" (Pub. No. US 2003/0110817).

Hertz teaches a washing machine having a drum and corresponding door for the drum opening, however Hertz fails to go into detail regarding the features of the door, such as a sealing member, and inner/outer door features. However, Nitschmann teaches a conventional washing machine having a door comprising a window 2 (inner door), frame 3 (frame), and sealing lips 4, 5 (seal). It would have been obvious to one of ordinary skill in the art at the time of the invention to use these known features in Hertz, since they are known in the art design choices in the art of washing machine

doors. It is advantageous to have a door formed of an inner door/window and outer frame, so that the user can look inside and see the progression of the washing functions without opening the door and disturbing the cleaning process, additionally, a seal formed about the door aids in prevention of fluid leakage which ultimately keeps the washing process from spilling fluid and becoming messy, wasting needed washing solution, and natural resources.

Additionally, Herbertz teaches its invention has a front wall, however, fails to disclose details regarding the use of a covering/housing which is formed around the entirety of the machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a housing formed around the entire machine to protect the machine when in transit/delivery from place to place, also to prevent anything from spilling on or damaging the internal parts of the machine. Nitschmann teaches a known washing machine having a housing 6 which also includes a front wall 7. The housing 6 of Nitschmann is envisaged to be formed in a substantially rectangular shape around the peripheral of the washing machine, to protect the internal parts of the machine from damage, as many conventional domestic washing machine founds in homes are formed with a casing/housing. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a housing formed around the washing machine of Herbertz to protect the internal components of the machine and prolong the life of the machine.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bringewatt et al. (Pub. Nos.: US 2004/0129031) teaches washer-extractors which are tiltable.

Fesmire et al. (Patent No. 5,992,186) teaches a shuttle hopper system for loading and unloading washing and drying machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA R. PATEL whose telephone number is (571)272-8701. The examiner can normally be reached on M-F: 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
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/Rita R. Patel/
Examiner, Art Unit 1792